



NO JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ALVARO RUIZ, ) Case No. CV 11-02941 DDP (JCx)  
Plaintiff, )  
v. ) **ORDER GRANTING DEFENDANT'S MOTION**  
 ) **TO DISMISS PLAINTIFF'S COMPLAINT**  
CAL-WESTERN RECONVEYANCE, )  
OCWEN LOAN SERVICING, LLC, ) [Motion filed on April 15, 2011]  
Defendants. )  
\_\_\_\_\_ )

This matter comes before the court on a Motion to Dismiss filed by Defendant Ocwen Loan Servicing, LLC ("Defendant"). Because Plaintiff has not filed an opposition, the court GRANTS the motion.

This action arises from a dispute regarding a loan obtained by non-party Raul Lopez from a non-party lender (the "subject loan"). The subject loan was secured by a Deed of Trust encumbering the real property located at 1619 East Bermuda Dunes Street, Ontario, California 91761 (the "Property"). The subject loan and Deed of Trust were subsequently assigned to Defendant. Mr. Lopez defaulted on the subject loan, and foreclosure proceedings commenced on the

1 Property on October 1, 2009. A Notice of Default was recorded on  
2 October 22, 2010, and a Notice of Trustee's Sale was recorded on  
3 January 24, 2011. In response, Plaintiff filed the instant  
4 Complaint on February 22, 2011, alleging multiple violations of the  
5 Truth in Lending Act ("TILA"), 15 U.S.C. § 1601 *et seq.*, and  
6 defective and invalid foreclosure proceedings. The Complaint also  
7 includes a Notice of Rescission of the subject loan.

8 Defendant filed this Motion to Dismiss on April 15, 2011. It  
9 was originally scheduled for hearing on May 23, 2011. On May 18,  
10 2011, this court, on its own motion, vacated the hearing date and  
11 determined that Defendant's Motion to Dismiss would be decided  
12 without oral argument.

13 Pursuant to Local Rule 7-9, a party opposing a motion must  
14 file his or her opposition no later than twenty-one days before the  
15 date designated for the hearing of the motion. C.D. Cal. R. 7-9.  
16 Failure to file an opposition, or failure to file it within the  
17 deadline, may be deemed consent to granting or denial of the  
18 motion. C.D. Cal. R. 7-12. Because the hearing of Defendant's  
19 motion was originally scheduled for May 23, 2011, Plaintiff's  
20 opposition was due no later than May 9, 2011. As of the date of  
21 this Order, Plaintiff has not filed an opposition. Accordingly,  
22 this court deems Plaintiff's failure to oppose Defendant's motion  
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1 to be consent to this court's granting of Defendant's motion.

2 For the foregoing reasons, the court GRANTS Defendant's Motion  
3 to Dismiss.

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5 IT IS SO ORDERED.

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8 Dated: June 21, 2011

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A handwritten signature in blue ink, reading "Dean D. Pregerson". The signature is cursive and fluid, with the first name "Dean" and last name "Pregerson" clearly legible.

DEAN D. PREGERSON  
United States District Judge

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